

# **FORTH HOUSING ASSOCIATION LIMITED**

## **FLEXIBLE WORKING**

Code: HR06

Approved: June 2024

Next review: As required by EVH

Cross reference: EVH Terms and Conditions



This document can be made available in alternative languages or formats (such as large print, audio etc). Please contact staff as required.

## **Policy Summary**

This policy has been developed to show how Forth Housing Association are following legal and regulatory requirements in regard to flexible working

## **Equalities**

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions and there is therefore no requirement to do a full Equality Impact Assessment.

## **Privacy**

This policy does not have a direct impact on privacy. Data Protection legislation applies to staff records which will be processed and managed accordingly. There is no requirement to do a full Privacy Impact Assessment

## **Policy Owner**

Name: Director

Date of Next Review: June 2027 or as EVH requires.

# **FORTH HOUSING ASSOCIATION LIMITED**

## **FLEXIBLE WORKING**

### **1.0 Introduction**

1.1 Forth Housing Association recognises that introducing a flexible working policy will help to ensure compliance with the right to request flexible working brought in by the Employment Act 2002 and Work and Families Act 2006. The policy has also been introduced to help ensure equality and fairness throughout the process and aid employees a good work life balance. Employees have the right to request changes to their working hours or place of work under the statutory right in the Employment Rights Act 1996 to request flexible working.

### **2.0 Principles**

Forth Housing Association believes its staff members are its most valuable asset and is committed to attracting and retaining the very best and utilising all talent and experience available. Forth Housing Association understands that it is important for staff members to establish a good work – life balance as many individuals have personal responsibilities outside from work. Flexible work may allow more freedom for employees to organise their employment to fit in with other parts of their life.

#### **2.1 Legal Framework**

##### **Employment Rights Act 1996**

In August 1996 the Employment Rights Act was introduced to set out statutory employment rights of workers and employees.

##### **Employment Act 2002**

In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly in order to strike a better balance between their home and work responsibilities.

##### **Work and Families Act 2006**

The Act builds on the right to request flexible working introduced in April 2003. The Work and Families Act extends this right to include employees who care for or expect to care for adults.

## **Flexible Working Regulations 2014**

These regulations further extend the right to request flexible working to employee's who have 26 week's continuous service with an employer.







## **Employment Relations (Flexible Working) Act 2023**

These regulations reduced the waiting time to make a flexible working request from 26 weeks employment to a day one right as well as allowing for 2 requests to be made in a 12 month rolling period and reducing the time to respond from 3 months to 2 months.

## **Carer's Leave Act 2023**

Anyone who is legally classed as an employee can take time off to help a dependant who needs long-term care.

### **3.0 Aims & Objectives**

-  The policy has been produced to ensure compliance with Forth Housing Association's legislative requirements.
-  Aims to provide staff with the opportunity to request to change their standard working arrangements to strike a better balance between their home and work responsibilities and for Forth Housing Association to retain talent and skills in the workforce and react effectively to changing market conditions.
-  The policy details the flexible working procedure that must be followed to act in accordance with the legislation.
-  Provide clarity on the employers' responsibilities contained in the Act and the recommendations to consider workers' request for a flexible working arrangement.
-  Is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
-  Re-emphasises a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.




### **4.0 Policy Framework**

Under provisions set out in the Employment Rights Act 1996 every employee has a right from day one of employment to request a change to their contractual terms and conditions of employment

An employee has the right to make 2 flexible working requests within a rolling 12-month period and can make the request from day one of their employment.

#### 4.1 **General**

To be eligible, staff members must:

-  Be an employee.
-  Not be an agency worker.
-  Not have made more than 2 applications to work flexibly under the right during the past 12 months.

#### 4.2 **Types of Flexible Working**

Some examples of flexible working are documented below, however please note this list is not exhaustive

- **Part time working**  
A system whereby the employee is contracted to work fewer than the standard full-time hours. There are many variations to part time working such as later start or earlier finish times, afternoons or mornings only and fewer working days in the week.
- **Job-sharing**  
An arrangement whereby two part time (or occasionally more) employees share the responsibility of a position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job simply by picking up the work where the other employee left off. A 'divided responsibility' arrangement is when the duties of the position are divided between the two individuals, with each being able to provide cover for the other as and when necessary.
- **Term time working**  
The employee remains on a permanent contract but can take unpaid leave of absence as agreed.
- **Working from home**  
An approach whereby an employee carries out a proportion of his/her duties from home rather than on Forth Housing Association's premises.
- **Compressed Hours**  
A system permitting employees to work their total number of contractual hours over fewer working days. For example, a five-day working week may be compressed into four days.

- Supported Flexible Working

FHA will ensure as an employer that staff are supported where issues are identified or raised that a member of staff is the victim of Domestic Abuse, in any form, as outlined within the Domestic Abuse Policy (HM34).

Line Managers will monitor staff attendance and patterns in working behaviour (e.g. requests to work at home/or in the office more frequently) and ensure conversations are conducted to discuss in more detail these patterns in absence or requests for alternative working arrangements with a view to identifying any issues.

Line Managers will support staff in a 'survivor centred approach' allowing the staff member to lead on how they wish to be supported.

Line Managers will provide staff information on relevant support agencies as outlined within the Domestic Abuse Policy (HM34). FHA can also refer the staff member to these agencies with the staff members agreement.

- Carers leave

Employers can take up to 1 week of carer's leave every 12 months to help a dependant who needs long-term care.

A dependant has a long-term care need if they have any of the following:

- a [disability as defined under the Equality Act 2010](#)
- an illness or injury that is likely to need care for at least 3 months
- a care need related to old age



#### 4.3 Flexible Working Procedure

Forth Housing Association, aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal.

If for some reason the request cannot be dealt with within the 2-month period then the employer can extend this time limit provided the staff member agrees.

#### 4.4 Application for flexible working

To apply for flexible working, employees need to follow the steps below:

-  Apply in writing.
-  State the date of the application, the change to working conditions the employee is seeking and when they would like this change to come into effect.

- State that it is a statutory request.
- State whether a previous application has been made to Forth Housing Association and the date of the application.

#### 4.5 **Once the request is received**

If employers are happy to accept the request, they can confirm it in writing without a need for a meeting. Alternatively, a meeting should be arranged.

#### 4.6 **The Meeting**

- Employee will be invited to a meeting in writing and informed they can be accompanied by a fellow employee or trade union representative of their choice.
- The companion can address the meeting and confer with the employee during the meeting but cannot answer questions on the employee's behalf.
- At the meeting employee's proposal will be discussed.
- If the employee's proposal is not suitable to the business, alternative solutions will be discussed.
- If an employee fails to turn up for a meeting without prior notification on more than one occasion and fails to provide a satisfactory explanation, Forth Housing Association will treat the application as withdrawn. This will be confirmed in writing informing the employee that this will count as a formal request and that they will only be able to make one other request in the 12 month if this is the first request.
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change if it has been approved.

#### 4.7 **Flexible working Acceptance**

- Once both sides have agreed to the changes requested, or an agreed variation of the request, a permanent variation of the employee's terms and conditions will be issued. The employee has no automatic right to return to the original arrangement.
- A trial period for a specified time may be adjustable to establish if the new arrangement is suitable for the needs of the business. This will be confirmed in writing following the meeting and will form part of the acceptance.

#### 4.8 **Flexible working rejection**

If the employee's application is declined, it will be confirmed in writing, specifying the business reasons for rejection.

One (or more) of the following reasons may apply:

1. Burden of additional cost
2. Inability to reorganise work amongst existing staff
3. An inability to recruit additional staff
4. A detrimental impact on quality

5. A detrimental impact on performance
6. Detrimental effect on ability to meet customer demand
7. Insufficient work for the periods the employees proposes to work
8. A planned structural change to the business.

#### 4.9 **Withdrawal of application**

Forth Housing Association can treat an application as withdrawn under the statutory provisions where the employee has:

- FA Notified Forth Housing Association, verbally or in writing, that the application is withdrawn.
- FA Without a reasonable explanation failed more than once to attend a meeting or appeal meeting
- FA Refused to provide Forth Housing Association with information required in order to assess whether the contract variation should be agreed to.

#### 4.10 **Appeal Process**

An employee no longer has the automatic right to appeal but Forth Housing Association may consider hearing the appeal as best practice.

- FA The staff member may appeal against Forth Housing Association's decision to refuse an application.
- FA The appeal should be made in writing to a named manager of at least one level higher than the manager who made the original decision if possible and then a meeting will be held to discuss the appeal and any options available.
- FA The employee will be informed they can be accompanied to the meeting by a fellow employee or trade union representative of their choice
- FA After the meeting, the employee will be notified in writing, confirming the grounds for decision.

#### 4.11 **Responsibilities**

Both the employee and the employer have certain responsibilities within this procedure as follows below:

##### 4.11.1 **Employee's responsibilities**

- FA To provide a careful thought-out application.
- FA To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all necessary information.
- FA To ensure the application is made well in advance of when the change is proposed to take effect.
- FA To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- FA If necessary, be prepared to be flexible themselves in order to reach an agreement with the employer.



- If the employee wishes to be accompanied by a representative, the employee must ensure that their representative can attend on the date proposed by the employer or an alternative date within the time frame previously stipulated

#### 4.11.2 Employer's responsibilities

- To consider requests thoroughly and in good faith in accordance with the set procedure
- To deal with requests as quickly as possible and within 2 months.
- To decline a request only where there is a recognisable business ground and to explain to the employee why it applies
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing
- Not to subject an employee to detriment or dismissal for making a flexible working request.

### 5.0 Monitoring of this policy

- 5.1 The Staffing Sub Committee will receive an annual Report which will summarise any requests for Flexible working requests.

### 6.0 Complaints and Appeals

- 6.1 Appeals on decisions made under this policy will be considered as good practice and as outline in section 4.10 above. Other issues may be dealt with under the Grievance procedure outline in section A14 of EVH Terms and Conditions.

### 6.0 Equalities

- 6.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website [www.forthha.org.uk](http://www.forthha.org.uk) or can be obtained from our office.

### 7.0 Data Protection - Privacy

- 7.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about

them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation. More information is available from our Data Protection Officer

## **8.0 Availability**

- 8.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

## **9.0 Review**

- 9.1 This policy will be reviewed at least every 3 years by the Staffing Sub Committee and staff are responsible for ensuring that it meets legal and good practice requirements.
- 9.2 A Privacy Impact Assessment was carried out for the Flexible Working Policy and no further action was required.
- 9.3 An Equality Impact Screening Assessment was carried out for the Flexible Working Policy and no further action was required.